

January 27, 2010

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TOWN OF NEW WINDSOR

PLANNING BOARD

JANUARY 27, 2010

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HENRY VAN LEEUWEN
DANIEL GALLAGHER
HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

JENNIFER GALLAGHER
BUILDING INSPECTOR

NICOLE JULIAN
PLANNING BOARD SECRETARY

ABSENT: HOWARD BROWN

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

REGULAR_MEETING

MR. ARGENIO: I'd like to call the January 27, 2010 regular meeting of the Town of New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

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(Whereupon, the Pledge of Allegiance was recited.)

MR. ARGENIO: We have a full board tonight, Mr. Scheible I've asked him to step in inasmuch as Mr. Brown is not here this evening. Make a note Nicole Mr. Van Leeuwen will not be at the next meeting. Esteemed counsel is not here this evening either, he has an engagement. If we get jammed up, if we need a legal opinion we'll ask the town attorney cause he happens to be here tonight.

MR. EDSALL: Overtime.

MOTION_TO_ACCEPT_MINUTES_DATED_12/14/09

MR. ARGENIO: I'm going to get right into it here. The first item of business tonight is the approval of the minutes dated December 9, 2009 sent out via e-mail on January 4, 2010. If anybody sees fit, I'll accept a motion we accept them as written.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

ANNUAL_MOBILE_HOME_PARK_REVIEW:

HUDSON_VIEW_MOBILE_HOME_PARK

MR. ARGENIO: Hudson View Mobile Home Park. Somebody here to represent this? Please state your name for the record.

MR. ADAMS: Jon Adams with the firm of Corbally, Gartland and Rappleyea

MR. ARGENIO: Corbally?

MR. ADAMS: That's correct. I'm requesting approval I think of the annual renewal of the mobile home license for the Hudson View Mobile Home Park.

MR. ARGENIO: So everybody knows, the members of the board there was a little bit of an issue here with some buildings that were in bad shape, disrepair, dilapidated, some may have been even been condemned. Jennifer, can you please give us an update, let us know where we're at?

MS. GALLAGHER: We've been out there, Mr. Adams and I have spoken, they're actively trying to fix all of their issues so they're taking steps forward to complete what they have completed. They have taken out many, all the building permits that they need to at this point.

MR. ARGENIO: They have taken out the building permits that they need to?

MS. GALLAGHER: That's correct.

MR. ARGENIO: And they're actively working to correct?

MS. GALLAGHER: They are, they've hired an engineer who has to sign off on all of the mobile homes that do not

have C.O.s at this point and they're going, they're moving forward.

MR. ARGENIO: Counselor, you represent that your applicant is going to continue to attempt to working with the building department?

MR. ADAMS: We understand the applications that we have to correct any deficiencies that the building department determines to exist.

MR. ARGENIO: And you're going to do that?

MR. ADAMS: We have submitted certain engineering reports confirming that some of the older homes have been installed that's placed on piers in accordance with the specifications that existed when those homes were in fact first installed which predate for all practical purposes most of the codes. Again, as far as we can ascertain, they were installed as they should have been, the engineer checked for signs of settlement, observed no settlement and correctly inferred that the absence of settlement suggests particularly for homes that have been there for a long period of time these piers that are supporting these homes are adequate for that purpose.

MR. ARGENIO: So you represent that on behalf of the applicant that you're going to, that the applicant and yourself will continue to work with the building inspector to remedy these problems?

MR. ADAMS: Yes, I make that representation.

MR. ARGENIO: Do you have a check made out in favor of the Town of New Windsor in the amount of \$250?

MR. ADAMS: I'll have to submit that, I wasn't told I had to bring that tonight, if I did known that, I would have brought it. I think we've paid all the permit

application fees.

MR. ARGENIO: This fee is for the annual special use permit for the mobile home park.

MR. ADAMS: We'll have that physically delivered to the town by the end of the week, I'm sure there's no problem, I just wasn't aware.

MR. ARGENIO: You can work with that, Jen?

MS. GALLAGHER: That's fine.

MR. ARGENIO: Make a note as such. I'll accept a motion we offer them one year extension.

MR. VAN LEEUWEN: So moved.

MR. SCHEIBLE: Second it.

MS. GALLAGHER: I think they're due in June maybe.

MR. ARGENIO: So the one year extension--

MS. JULIAN: July.

MR. ARGENIO: --would begin--

MR. ADAMS: Retroactively.

MR. ARGENIO: --correct, at the date at which the prior permit expired. You understand that?

MR. ADAMS: Yes.

MR. ARGENIO: Thank you, Jennifer.

MS. GALLAGHER: You're welcome.

MR. ARGENIO: So we'll have to be applying within six

months.

MS. JULIAN: July 15th.

MR. ARGENIO: July 15th.

MR. VAN LEEUWEN: Where is this?

MS. GALLAGHER: 9W.

MR. ARGENIO: Near Robert Arms.

MR. VAN LEEUWEN: I know where it is.

MR. ARGENIO: I have a motion, I have a second from Neil, I believe Hank, a second from Hank, motion and seconded by Mr. Scheible, I'll have a roll call.

ROLL CALL

MR. SCHLESINGER AYE

MR. SCHEIBLE AYE

MR. VAN LEEUWEN AYE

MR. GALLAGHER: Do we need any subject-tos or are we okay?

MR. ARGENIO: I don't think so. Counsel is here on behalf of his client and he's made these commitments on the record, I have no reason to believe based on his past actions and the report we just got from Jennifer that he will do anything other than what he just outlined.

MR. GALLAGHER: Okay, yes.

MR. VAN LEEUWEN: Yes. Otherwise, Jen is going to be on your tail. You don't want that, believe me.

MR. ADAMS: She's already been there, I don't want to

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be there again.

MR. ARGENIO: Send my best to Allen, my associate.

MR. ADAMS: I will.

MR. ARGENIO: And I vote yes. That's good to have off our plate for a couple months.

REGULAR_ITEMS:

RUTHIE'S_SOUL_RESTAURANT_S.P._ (07-26)

MR. ARGENIO: First regular item is Ruthie's Soul Food Restaurant on Windsor Highway represented by I believe by Mr. Dendy.

MR. DENDY: Just for the record, we just want to summarize.

MR. ARGENIO: Yeah, there was a couple of issues with this, there's some issues with this application, if you guys would recall and I'll just recap for the benefit of anybody who wasn't here, they jumped through a lot of hoops and climbed a lot of hurdles but there's a couple minor issues as I remember. Mr. Dendy, can you please let us know where you're at?

MR. DENDY: There was particularly three items, obviously, a helpful letter from Mark as far as his comments which we received and I believe we went through them and they, so Mark has reviewed the plans if there's any additional comments we can take care of them. And the second issue was meeting with Mr. Schermerhorn, the fire chief, and resolving a letter of 2007 with the issue of a fire lane. Subsequent to that, the applicant has met with Mr. Schermerhorn and his biggest issue is providing a fire lane of at least a minimum of 30 foot width so we can have access and in doing that, we had to revise the front parking to eliminate three spaces and drop our seat count from 99.

MR. ARGENIO: The parking count's still sufficient, Mark?

MR. EDSALL: They eliminated seats to accommodate decreased parking so that's fine.

MR. ARGENIO: Great, let me just interrupt you for one

second. What's your name again?

MS. ZAMENICK: Amy Zamenick.

MR. ARGENIO: Come on up, Amy. Amy is Dominic Cordisco's assistant and she's observing.

MS. ZAMENICK: Yes.

MR. ARGENIO: Not going to ask her for a legal opinion, you're going to be put on the spot if we need a legal opinion, she can sit next to Mark, she's better looking than him.

MR. EDSALL: The table's improving as we speak.

MR. DENDY: So those were the ones with the exception of the exact time of demolition of the building so those seem to be the--

MR. ARGENIO: The hydrant issue is gone?

MR. DENDY: That's correct, Mr. Schermerhorn is satisfied with the fact that the fire lane once he occupies the back section of the building we have to come before this board again and at that time we have to install a sprinkler system.

MR. SCHLESINGER: How many square feet?

MR. DENDY: It's 8,000 but it's occupying 3,900, just this front section, the kitchen.

MR. ARGENIO: Refresh my memory, when are you going to take the house down?

MR. DENDY: Sixty days after C.O.

MR. ARGENIO: After?

MR. JOHNSON: The C.O.

MR. ARGENIO: Or the temporary C.O. as it were?

MR. DENDY: That's correct.

MR. ARGENIO: Technicality but--

MR. DENDY: Just one minor thing we didn't submit is the actual bond estimate for the construction.

MR. EDSALL: We can deal with that.

MR. DENDY: Just if he has already transmitted the unit costs then I can follow up with that.

MR. ARGENIO: I want to just remind you of this, we do have a note here from the firemen that they take no exception to this application with the exception of the dividing wall between the occupancies is professionally designed, constructed and meets all the appropriate requirements of the local and New York State Fire Code. I think we know that without or any reasonably competent architect or engineer would understand that. Yes, Mr. Van Leeuwen?

MR. VAN LEEUWEN: What kind of a grease trap are you going to put in?

MR. JOHNSON: It's a 75 gallon grease trap.

MR. VAN LEEUWEN: Not one that flows in and flows out is it?

MR. JOHNSON: No, it has two departments in it.

MR. DENDY: Just add to that, Mr. Van Leeuwen, the Orange County Health Department has already reviewed the kitchen, he's already began the process with that.

MR. ARGENIO: Let me just share something else with you and you guys have been great, you have been very responsive but we still are in need of the appropriate description of the drainage easement, we do not, the Town of New Windsor is not in possession of that yet for whatever reason.

MR. DENDY: If I understood correctly, the attorney was--

MR. EDSALL: Is this the easement?

MR. ARGENIO: Yes.

MR. EDSALL: We had gotten it at the last meeting, I'm just in here I note that it's submitted, I'm not sure if Dom has said it's okay yet. So that should be a condition of approval that the final form of the easement be approved by counsel.

MR. ARGENIO: So you're saying, Mark, that they did submit, they documented?

MR. EDSALL: I got a copy and Dom got a copy at the last meeting, I just don't know if Dom has okayed it yet so that needs to be a condition, we're making progress on that at least.

MR. ARGENIO: That's good because I don't think that should be a big hangup.

MR. VAN LEEUWEN: Another thing I don't see a flag pole.

MR. DENDY: I can put one.

MR. VAN LEEUWEN: They call me flag pole. You know why? That over there that man over there he's sidewalks, I'm flag pole.

MR. ARGENIO: Guys, if you just try a minute if you have anything. What's your name?

MR. JOHNSON: Floyd Johnson.

MR. ARGENIO: Mr. Johnson has been here a few times, Neil and Henry, if you remember we talked about it, I don't think Neil was here, we talked about the demolition of those houses at the last meeting, certainly a good thing.

MR. SCHLESINGER: I was here and I do remember.

MR. ARGENIO: You were here, I'm sorry, but that's a good thing getting the houses down. This is a tough site. Nobody's been able to make this thing work.

MR. VAN LEEUWEN: It's been empty for quite a while.

MR. ARGENIO: Some of the people in my office want to go across the street and have lunch at your place already.

MR. JOHNSON: We did a lot of cleaning.

MR. ARGENIO: Danny, do you have anything else?

MR. GALLAGHER: I don't think so.

MR. ARGENIO: Guys to my right, do you guys have anything else?

MR. SCHEIBLE: As long as the fire department, that's the one.

MR. ARGENIO: Fire department is set.

MR. SCHEIBLE: That's the one problem.

MR. ARGENIO: Orange County Planning came back local

determination, you're going to have to do the DOT dance, they have been getting, they have been kind of slow in responding to applications of late so whatever action we do take tonight will be subject to you guys appeasing DOT however you need to appease.

MR. DENDY: Not a problem.

MR. ARGENIO: We took the negative dec, you're going to need to have a bond estimate for site improvements. Mark, anything else?

MR. VAN LEEUWEN: Move for final approval subject to.

MR. ARGENIO: I'll read them in. Mark, follow me on this, make sure.

MR. EDSALL: I'm writing.

MR. ARGENIO: Do we have a second?

MR. GALLAGHER: Second.

MR. ARGENIO: Motion has been made and seconded to offer final approval to Mr. Dendy and Mr. Floyd Johnson subject to a bond estimate being submitted to Mark for the site plan improvements, subject to Dominic getting the time to review that easement and if he needs any additional information, Mr. Dendy you'll supply that and subject to you guys acquiring approval from the DOT, I don't think that should be a big deal because you're not changing the entrance but you do have to go through that machination.

MR. DENDY: We had discussions with him and as we understand just taking out a highway permit.

MR. EDSALL: Payment of fees.

MR. ARGENIO: Did I miss anything?

MR. EDSALL: And I would suggest that the resolution authorize the chairman to sign the formal resolution prepared by counsel once it's available.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

ANGELO_ESTATES_(99-14)

MR. ARGENIO: Angelo Estates minor subdivision, Shaw Road. This application proposes subdivision of the 4.4 plus or minus acre total property into three single family residential lots. The plan was previously reviewed at the 28 May, 2008 planning board meeting. It was also reviewed prior to that but that was a long, long ago in a place far, far away. Sir, you're here on behalf of Mr. Biagini?

MR. CELLO: Yes.

MR. ARGENIO: What's your name?

MR. CELLO: I'm Jonathan Cello.

MR. ARGENIO: Tell us what you want to do.

MR. CELLO: It's 4.4 acres spread out over two existing tax parcels with one existing residence, the lot is on the northern side of Shaw Road about midway between Beattie and Bull Road. We're proposing private road approximately 390 linear feet to service the two residences and the one existing residence will continue to have an access directly to Shaw Road. The proposed residence will be single family serviced by individual wells and septic. Since the last time we were here, we went, we applied for the required variances for lot area, for gross lot area on all three lots and lot width on lot number 1 and 2 and the side yard setbacks for lot number 1, we received these variances on September or yeah, September 23, 2008.

MR. ARGENIO: Where have you been since then?

MR. CELLO: Working on the plans and we were working on other projects for Mr. Biagini and now we're back on this one.

MR. ARGENIO: Mark, tell me about that property line going up the middle of the private road, wouldn't we, isn't that typically an easement or something?

MR. EDSALL: Well, the property line may run the center of the road but then you see the lines that include the cul-de-sac that's the right-of-way line for the private road which was the subject of the maintenance agreement so in effect--

MR. SCHLESINGER: Shouldn't the property line take the radius of the cul-de-sac?

MR. EDSALL: No, doesn't have to. What you have here is lots 3 and lot 2 and 3 share the private road almost equally cause it splits the private road right in half.

MR. SCHLESINGER: But there's got to be a private road agreement.

MR. EDSALL: Correct, that's required and the other solid line that is the cul-de-sac, is the easement line, not a property line.

MR. ARGENIO: Given where you are, Mr. Cello, I have particular concern about the septic fields.

MR. CELLO: We had--

MR. ARGENIO: Can you share with me a little bit, are you in natural ground, have you done the percs?

MR. CELLO: We performed soil testing, our office performed it and it was witnessed by McGoey, Hauser & Edsall September 2009 and we found adequate soil so we're proposing shallow trench systems.

MR. ARGENIO: And your design is in conformance with the code, et cetera?

MR. CELLO: Yes.

MR. ARGENIO: Everybody is aware of the fact that typically in the, especially in the west end of the town we have Mark's guys go out there and witness these tests because we've had problems with the soil out there, anybody who lives out that way knows that you can get perc but it's particularly clay that's why I'm probing this subject just a little bit.

MR. VAN LEEUWEN: You have to look for it.

MR. EDSALL: Jerry, just so I can confirm so there was fill placed but it was just so you, so that you could have the shallow systems and the percs were done on the top surface of the native soil? That's a question.

MR. CELLO: Yes.

MR. SCHEIBLE: Does lot 1 have access to the easement or lot 1 coming straight out to Shaw Road?

MR. CELLO: It has access to Shaw Road.

MR. ARGENIO: It's a driveway down to Shaw Road, Henry.

MR. SCHEIBLE: Well, I didn't see it.

MR. ARGENIO: If you look on page 2 that access for that house is divorced from the private road.

MR. SCHLESINGER: Now, Mark, I have a technical question. Does the lot number 1 have to be part of the private road agreement?

MR. EDSALL: Normally, yes, but because of some of the legal issues that developed and caused the delays why this is a 1999 application and now going on 11 years later it's finally coming to a conclusion, that lot is not participating in the private road. Normally, if we

had it the way we normally like to see the roadways develop the answer would be yes, the legal problems with this one the answer is no and I had asked specifically that the highway superintendent in considering his approval indicate if he has any objection to this separate driveway or not and he approved it.

MR. ARGENIO: I have approval from Mr. Fayo.

MR. SCHLESINGER: Usually they prefer not to have them next to each other.

MR. EDSALL: You're right, this one involves some legal issues with the development of the overall project and it didn't end up being a normal case.

MR. SCHLESINGER: Private road agreement would it be required that there be access off of the private road or not necessarily?

MR. EDSALL: My understanding and again--

MR. SCHLESINGER: If it was done today.

MR. EDSALL: If it was done today then all three would have to participate.

MR. SCHLESINGER: Regardless of where the driveway is.

MR. EDSALL: Normally, this board would normally make lot 1 you would mandate that they have to come off the private road, I would assume when Dom gets the private road declaration, it's only going to have the two participants on lot 1 will have no right to use it, that can be changed if they want to move the driveway.

MR. ARGENIO: We're looking at lot number 1 with no access to the private road.

MR. EDSALL: Correct.

MR. ARGENIO: No participation in the said private road.

MR. VAN LEEUWEN: That's the way it is now, that's what we have to look at.

MR. EDSALL: Again, we don't want to set a precedent, that's why it was effectively a waiver that the Superintendent of Highways permitted the driveway to come out directly to Shaw and not participate, this is not a normal case.

MR. ARGENIO: This has been around a bit and there was an issue with the ownership of the lot and Mr. Biagini got a proxy from, had to get a proxy from the owner, it's a little bit of history here but it's not an incredibly complex application. As I said, my main concerns were the septic fields and we're going to discuss that in a moment or two or maybe we'll discuss right now the need or not for a public hearing. I can tell you there was a public hearing at the zoning level and two people spoke and the one woman her concern was mainly about the septic and the gentleman his name was, well, Mrs. Callister, Joan Callister, I have nothing against this house being built, anything like that, my main concern is the septic system, I want to make sure the septic system is okay. That's her words, Franny, for the record. My worries are that all the water is going to come down the hill from this property and I'm concerned about the distance from my well to the septic, when you say code issue. And then a fella named Mr. Gonzalez spoke and the only thing he was concerned about was the size of the house and he, I'm going to read this for the benefit of the applicant, Mr. Gonzalez was looking for a house to be built, houses to be built on these lots in the three to four thousand square foot size. And Mr. Biagini responded no, it will be smaller than 3,000 because that's what

the market can bear, the number that you used Mr. Biagini was 2,800 square feet, more or less.

MR. SCHLESINGER: Are these current letters?

MR. ARGENIO: This is the minutes from the public hearing.

MR. SCHLESINGER: It says they couldn't find records of a public hearing.

MR. ARGENIO: The question was, Neil, that I asked the question if we had a public hearing at the planning board level cause we had authorized it and Nicole could not find minutes for a public hearing at the planning board level so I said well, they had the public hearing at zoning, see if you can find those minutes, we'll see if it's a public outpouring and maybe that will give us some guidance whether to have or have not a public hearing. That was my logic in doing that. I normally want to do that but this is a tricky application that's been around a bit and I don't want to have a problem with these septics, it's a problem and I don't want to have a problem. You're sure about this Mr. Cello about the design?

MR. CELLO: Yes.

MR. ARGENIO: Yes?

MR. CELLO: Yes.

MR. ARGENIO: Okay, so when the woman comes to my house and knocks on my door and says my neighbor's septic's coming in my yard, you're the Chairman of the Planning Board, Mr. Argenio, what are you going to do to help me, I'm going to give her your home address.

MR. CELLO: That's fine.

MR. ARGENIO: Cause that's happened before.

MR. GALLAGHER: Were those letters from the '08 meeting?

MR. ARGENIO: I was reading the minutes, yeah.

MR. GALLAGHER: From '08?

MR. ARGENIO: Yes, from the public hearing, yeah.

MR. VAN LEEUWEN: Make a motion to waive public hearing.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Henry made a motion to waive the public hearing.

MR. SCHLESINGER: I have a question, correct me if I'm wrong, there seems to be some concern about septic distance, blah, blah, blah, blah, blah, are those zoning issues or planning board issues?

MR. ARGENIO: They're planning board issues, Mr. Cello needs to meet the code.

MR. SCHLESINGER: I understand that but here you have public concern about planning board issues directed to the zoning board. Did the zoning board address them or did they say if you want to say something, discuss it with the planning board?

MR. ARGENIO: No, I wasn't there, Neil, but typically issues of well locations, septic locations, septic offsets and runoff issues they tend to get directed towards the planning board more than the zoning board.

MR. SCHLESINGER: So then am I fair in assuming that there's concern in regards to this applicant from

neighbors in the area regarding planning board issues?

MR. ARGENIO: I read the comment to you, I can read it again if you'd like me to.

MR. SCHLESINGER: No, you don't have to read it again, I think I can understand it.

MR. SCHEIBLE: Just to follow up on Neil's question right here.

MR. ARGENIO: Let me just interject for one second. The woman her comment was that she wanted to make sure the size of the septic field was appropriate.

MR. SCHLESINGER: Planning board issue.

MR. ARGENIO: It's not a planning board issue, it's a Department of Health issue, there's a percolation rate and the size of the field is based on the rate of percolation into the soil.

MR. SCHLESINGER: Okay.

MR. ARGENIO: So that was her concern and Mr. Gonzalez's concern was the size of the home which is not really a planning board issue but we can certainly make suggestions to give guidance to the applicant.

MR. SCHEIBLE: My only question was these people that you were just talking about, are they, do they own property to the right of this map as we're looking at it or and how far away is their well from this, their well or wells from this septic system that's being installed?

MR. VAN LEEUWEN: It's uphill, if the septic system is down from the well--

MR. SCHEIBLE: We're going downhill.

MR. VAN LEEUWEN: --it's got to be 200 feet if it is.

MR. SCHEIBLE: I'm not privy to the neighborhood.

MR. ARGENIO: Mr. Cello, I don't see a page here with the adjacent wells or septic fields illustrated, can you point that out?

MR. CELLO: On page 2 and also on page 4 we show the existing septic systems that are close to the development but we don't have the wells because they're far enough away from the property line that they would not be affected. This land downhill is currently vacant.

MR. ARGENIO: Okay, if you look at page 4, Neil, if you look at page 4, you'll see the existing well illustrated on lot 1, you'll see the proposed well illustrated on lot 2 and what Mr. Cello is claiming is that the other adjacent lots the wells are far enough from the property line where they're not at issue and I have no reason not to believe him. Mark, any comment on that?

MR. EDSALL: Well, we still have the open issue of getting the witnessed perc information on the plan and I can complete my review of the septic systems so if the board moves forward that I would ask be a conditional approval that the final reviews be made before the plan's stamped. But I understand what Mr. Cello's indicating, in fact, if I'm correct to the east is the soccer field property which is non-developed.

MR. CELLO: It's developed but not in the proximity of these homes.

MR. ARGENIO: Neil and Henry, go ahead, Henry Scheible.

MR. SCHEIBLE: I'm a little leery about the closeness of whatever the distance there is from these septic

systems to a nearby well and we're not really showing it, if you look at this map here and maybe a public hearing will bring this up to date giving us that information that we're looking for.

MR. ARGENIO: How do we know that there's even a well there?

MR. SCHEIBLE: I don't know.

MR. CELLO: Well, there's no town water, these lots definitely have wells.

MR. SCHEIBLE: I don't want to be sorry for something down the road.

MR. ARGENIO: I understand what you're saying. Let me tell you how I feel about this, I don't want to waste a lot of time, I don't think it's prudent, I shouldn't say waste time, I should say I don't think it's prudent to take up a bunch of time when it's not necessary. But if there's an issue, I would like to know about it.

MR. CELLO: We'll send the surveyor back out there and get the adjoining wells located on these two front parcels here, we'll make sure we show them on the map.

MR. ARGENIO: They did have the public hearing here, two people spoke and the one comment about the size of the house it's not ours and the other comment is the person's concerned about the size of the septic, that it works.

MR. VAN LEEUWEN: He's also got room for expansion.

MR. ARGENIO: I don't know, I mean--

MR. VAN LEEUWEN: Three bedroom?

MR. BIAGINI: Three bedroom, yeah.

MR. VAN LEEUWEN: Raised ranch?

MR. BIAGINI: Yes.

MR. ARGENIO: Let me make a suggestion. Why don't we do this. I'm just going to make this as a suggestion, Danny and guys, maybe we should have the applicant's engineer take a bit of time and just locate any wells within a couple hundred feet of the property line, put them on the drawing, give Mark the opportunity to go through the septic data which he kind of indicated that he hasn't had the opportunity to thoroughly review it yet and we'll revisit it at the next meeting. That's my suggestion to you guys. You guys are okay with that?

MR. VAN LEEUWEN: I'll withdraw my motion.

MR. ARGENIO: Your motion's out there, I mean, I'm proposing that we go with what Henry said and we go and do the leg work in the field and I will understand the flows and where things are out there better.

MR. SCHEIBLE: That's fine.

MR. ARGENIO: You can make the motion.

MR. VAN LEEUWEN: Make a motion we waive public hearing.

MR. ARGENIO: No second? I'll accept a motion we schedule a public hearing.

MR. SCHLESINGER: Make a motion to schedule a public hearing.

MR. SCHEIBLE: I'll second it.

MR. ARGENIO: Motion has been made. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	NO
MR. GALLAGHER	AYE
MR. ARGENIO	NO

MR. ARGENIO: But that's a majority so we'll schedule a public hearing and see where this thing goes. Do you have anything else, Mr. Cello?

MR. CELLO: No, that's fine.

MR. EDSALL: Mr. Chairman, I think what we'll do is we'll let John's crews locate all the additional information, add on the latest perc information, I'll make sure that the septic issue is closed so that when you have your public hearing, we can tell you that there's no issue, that way we don't have that hanging out there when the public comes in.

MR. SCHEIBLE: That would be perfectly fine.

MR. ARGENIO: Okay.

DISCUSSION

PRICE_CHOPPER

MR. ARGENIO: Let's talk about Price Chopper. Just to refresh ourselves about that in general, please, Mark.

MR. EDSALL: Price Chopper came to the planning board workshop and they asked for direction on how to handle the proposed additional monument signs, one near the entrance off Route 300, one at the entrance by Auto Zone on Route 94 as to whether or not they needed an application versus the board saying fine, deal with the building inspector. We discussed that the day of the prior appearance, low and behold I was advised that they not only wanted the two new monument signs but they wanted to retain three existing freestanding signs. I was not although I probably have gone in there thousands of times being as unalert as I am, I didn't recall exactly what the signs were so I did take some pictures, forwarded them to the chairman. I don't know if they were in turn circulated. But if not, the bottom line is there's an Advanced Auto freestanding sign over near the entrance on 94. There's an Allstate sign to the west end over by the bank and then there's a sign down in front of the HSBC Bank for that particular bank. So those three existing signs they wanted to keep and they wanted the two monument signs. I believe the zoning board had said that they felt that the sign saturation was a little too much, to try to consolidate things and I believe Mr. Chairman you had said for everybody that if they had an opportunity to take a look but I circulated pictures. So if you didn't make it, you can look at the pictures. So that's where we're at.

MR. ARGENIO: That's where we're at. I'm going to go around the room and ask these guys what they think but I'm going to tell you what I think. I think that the zoning board is probably on course, the only sign I

think is existing sign that should remain that's appropriate is the bank sign cause its way, my logic is that it's way inbound, inboard to the plaza right against the building and it's got some nice landscaping around it. The other signs are kind of I'm not going to say in the middle of the parking lot but they're in paved areas, they're not protected. That's how I feel.

MR. EDSALL: The pole for the Allstate sign is definitely in a place it shouldn't be.

MR. ARGENIO: Well, what about the auto sign?

MR. EDSALL: The Auto Zone isn't much better.

MR. ARGENIO: It's in the middle of a parking lot. I'll start on this side, Dan, what do you think?

MR. GALLAGHER: I'm on board with you, Mr. Chairman, Allstate sign if they want to put it up Allstate should come down and move the Advanced Auto sign.

MR. VAN LEEUWEN: I agree with you.

MR. ARGENIO: You guys?

MR. SCHEIBLE: New signs, yes, old signs, no.

MR. SCHLESINGER: I agree. Is Allstate still there?

MR. GALLAGHER: Yes.

MR. ARGENIO: My opinion is that the bank sign, the HSBC Bank sign is okay, it's right, HSBC it's fine, the rest of it, Mark, what do we need to do? You have direction, Jennifer. Mr. Bedetti?

MR. EDSALL: Mr. Bedetti is here, if he'd be kind enough to just share that with the zoning board, if they're still--

MR. BEDETTI: Well, they haven't appeared for a final vote so their public hearing has not occurred yet so there has been no decision rendered. I have a personal opinion but, you know.

MR. ARGENIO: You now have the benefit of the guidance of the planning board. Fair enough?

MR. EDSALL: Perhaps the minutes from this meeting could be shared with the ZBA for their public hearing.

MR. BEDETTI: I think that if you can provide that to the zoning board.

MR. EDSALL: Now the second question, Mr. Chairman, may be to expedite if things go well, let's assume that the applicant obtains their variances and decides to lose the undesired freestanding signs, would this board require a site plan to add those two monument signs or would you indicate that that's not a significant site plan change but merely a cleanup and refer it to the building department?

MR. ARGENIO: My opinion is the latter, what do you guys think? Jennifer can take care of that, let's not jam things up.

MR. SCHEIBLE: Exactly how I feel.

MR. VAN LEEUWEN: I agree.

MR. GALLAGHER: Shouldn't affect DOT being right up against the curb cut?

MR. EDSALL: No, it's off the right-of-way.

MR. GALLAGHER: So no problem.

MR. EDSALL: So I'll share that with the applicant that

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they have to meet the performance standards of the code
that they don't obstruct sight distance.

DISCUSSION

MR. ARGENIO: Okay, I have two things, one I'm going to leave because the last applicant I'm party to but I want to do something that I have never done before but I'm going to do it tonight. I just, just stay with me for a second, just entertain me please, if you guys would. When I was in eighth grade, I had a math tutor because I was screwing up real bad in school.

MR. VAN LEEUWEN: You're still screwing up.

MR. ARGENIO: I'm still screwing up, yes. So my father hired a math tutor, stay with me on this, this is an interesting thing, so she was very passionate and I would hide when she'd come to the house, just was awful and she stayed and she stayed with it and I ended up passing math that year which was a great thing. That was 100 years ago back in the late '70s so I received this, she was committed, she stayed with me. I have a letter in my hand from January 7, 2010, I want to read this letter to you guys. "Thank you for approving the New Windsor senior project. My first week in the apartment has been one of great pleasure and utter amazement that I am living in such a pristine environment. Living here revolves a problem I've had in getting subsidized housing. I've been on a waiting list in another community for seven years and have little hope of getting in any time soon. My former apartment in the private sector was not affordable for me. Now with your help, this is to the planning board, with your help I can still go to my church, my job, my bank, my favorite food store and shopping centers. I also do not have to leave the highly competent New Windsor Police Department area. But most of all, I do not have to leave the town I love and have loved for over 50 years." Eighth grade so--

MR. VAN LEEUWEN: What's the lady's name?

MR. ARGENIO: Regina Greco.

MR. EDSALL: Was that your teacher or the tutor?

MR. ARGENIO: Yes, if anybody thinks they sit here and they don't make a difference, you do make a difference. So I thought that was nice. Okay, it's yours, thank you.

(Whereupon, Mr. Argenio left the room and Mr. Van Leeuwen stepped in as Chairman for the remainder of the meeting)

REGULAR_ITEMS:__(CONTINUED)

ARGENIO_BROTHERS_(09-31)

MR. VAN LEEUWEN: I think when we left off at the last meeting was with the fire, am I correct?

MS. JULIAN: Yes.

MR. VAN LEEUWEN: And they approved it.

Mr. Jordan Ely appeared before the board for this proposal.

MR. EDSALL: Mr. Chairman, the other clock item that was holding this up was County Planning. As an update to my comments, I note that we're waiting for the response, in fact, it was received after I had typed these comments so that now is a closed item as well.

MR. VAN LEEUWEN: Local determination?

MR. EDSALL: Local determination.

MR. VAN LEEUWEN: So it is open for whatever we want to do. Anybody have any questions?

MR. SCHEIBLE: I see there's plenty of parking space, we discussed that at a previous meeting and I don't see any problem with the parking.

MR. VAN LEEUWEN: Pole barn to store equipment in basically.

MR. SCHEIBLE: We're not talking major sized buildings here.

MR. VAN LEEUWEN: We got garage doors last time but doesn't make any difference if they're on or not. What's your pleasure?

MR. EDSALL: My first suggestion is that you adopt or authorize the preparation of a negative dec for signature by the vice chairman on this one but you can vote and authorize the signature once it's prepared.

MR. VAN LEEUWEN: Can I have a motion declared?

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion on the floor. Roll call for negative dec.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE

MR. EDSALL: There are a couple minor corrections to the plan subject to and in fact, the surveyor on the plan or on the project had asked if he should have them here tonight and I said no, I want to make sure there was nothing else the board wanted so that's why they didn't bring in new plans, they're so minor I don't want to kill any trees, if you wanted to add any notes or anything else but they're very minor. I think there was two parking calculations and a detail for handicapped parking.

MR. ELY: The project number you wanted added to the plans and the adjusted parking calculation is based on 150 square foot per parking space so that has been adjusted and all done, ready to go, just in case the board had any other comments.

MR. EDSALL: Public hearing was waived on January 13.

MR. VAN LEEUWEN: That's what I thought. Anybody have anything in mind or any problems except the two Mark just mentioned?

MR. EDSALL: Two corrections and fees.

MR. VAN LEEUWEN: Always fees. Can I have a motion from somebody?

MR. SCHLESINGER: Make a motion for conditional approval.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE

MOBILE_HOME_PARK_DISCUSSION

MR. SCHLESINGER: I have a feeling that Dan and I may be on the same page only because of something that he said. The first applicant was the mobile home park, okay, they appeared before us in June and we denied their approval at that time.

MS. GALLAGHER: You wanted them to fix some items, yes.

MR. SCHLESINGER: It's six months later.

MS. GALLAGHER: Yes, it is.

MR. SCHLESINGER: Six months later it wasn't done, correct, still has hasn't been done?

MS. GALLAGHER: They have started the process of completing.

MR. SCHLESINGER: But my point is that it's a time factor and here we extended their--

MR. EDSALL: Special permit.

MR. SCHLESINGER: We extended their special permit, okay, and they haven't come back in six months. Now I thought that we should of perhaps given them a certain time limit to get things done.

MS. GALLAGHER: They have building permits now, a building permit, but a building permit has a time limit, it's 18 months.

MR. SCHLESINGER: So that gives them a year and a half.

MS. GALLAGHER: Yes, I cannot shorten the time limit of a building permit.

MR. SCHLESINGER: Can we shorten the time limit that

they have that would give them two years to be in violation?

MR. EDSALL: You can't shorten the period of the building permit cause that's in the law but you sure as heck when they come back in in July for renewal if you're dissatisfied with their progress you could approve it subject to a new completion date for them getting the work done which can be shorter than the 18 months, I believe that that's in your control.

MR. SCHLESINGER: We couldn't have done anything tonight?

MR. EDSALL: You could have but we--

MR. SCHLESINGER: We try to accommodate.

MR. EDSALL: Sounds like.

MS. GALLAGHER: They are, I mean, I received--

MR. SCHLESINGER: That's a decision you have to make, you know, if somebody's giving you, you know, they're making the effort or they're not.

MS. GALLAGHER: We're talking on the phone with their engineer, I think by the time they show up here in June they should be finished.

MR. BLYTHE: Neil, I have been on the phone with this Jon Adams for the past four weeks and he has, there was some friction between the town and the owner for a while, the reasons don't matter. But that's all behind us now. But we have involved him, we have moved forward pretty reasonably expeditiously, not really any reason, right, Jen, to believe that they are not going to correct the problems now in a timely fashion?

MR. GALLAGHER: What's our cause of action if they

don't submit the fees by the end of this week?

MR. BLYTHE: I'd be very surprised if it's not done but I'm in direct contact with this guy, Jon Adams, if it's not done by Friday, Jen will find me and I'll get on the phone.

MS. GALLAGHER: He's taken the reins since he's gotten involved, everything's gotten done.

MR. VAN LEEUWEN: Okay, anything else? Motion to adjourn?

MR. GALLAGHER: So moved.

MR. SCHEIBLE: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

